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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 **SHIONOGI & CO., LTD., a Japanese**
Company,

14 **Plaintiff,**

15 **v.**

16 **INTERMUNE, INC., a Delaware**
Corporation,

17 **Defendant.**
18
19

Case No. 3:12-cv-03495-EDL

STIPULATION AND ~~PROPOSED~~
ORDER TO SHORTEN TIME AS MODIFIED

Judge: The Honorable Elizabeth
D. Laporte

20 **STIPULATION**

21 Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff Shionogi & Co., Ltd. ("Shionogi")
22 and Defendant InterMune, Inc. ("InterMune"), each through their respective counsel of record,
23 hereby stipulate as follows:

24 WHEREAS on December 20, 2012, Shionogi filed a Motion to Compel (ECF No. 45) set
25 for hearing on January 29, 2012, with an opposition brief deadline of January 3, 2012, and a reply
26 brief deadline of January 10, 2012;

27 WHEREAS Shionogi believes that an acceleration of the current briefing and hearing
28

1 schedule would be beneficial in order to resolve disputes regarding search terms and the schedule
 2 for document production and interrogatories, and will not adversely affect the schedule for the
 3 case, and InterMune does not oppose Shionogi's request for expedition.

4 THEREFORE, IT IS STIPULATED by both parties that, subject to Court approval, the
 5 briefing schedule and hearing date for the Motion to Compel is as follows:

- 6 1) InterMune's opposition and supporting papers to be filed by December 31, 2012;
- 7 2) Shionogi's reply brief and supporting papers to be filed by January 4, 2013;
- 8 3) InterMune reserves the right to file a cross motion regarding search terms (the
 9 "Cross-Motion") prior to the expiration of the briefing schedule described above.

10 To the extent InterMune does so, Shionogi and InterMune stipulate that they will
 11 negotiate in good faith an expedited briefing schedule for the Cross-Motion.

- 12 4) Should the Court desire oral argument on the Motion to Compel and, if applicable,
 13 the Cross-Motion, the parties request that such argument(s) be held at the Court's
 14 earliest convenience. Shionogi and InterMune stipulate that, subject to the Court's
 15 approval, any such argument may be telephonic in light of the fact that counsel for
 16 InterMune is scheduled to try a case in the United States District Court for the
 17 Southern District of New York beginning on January 7, 2013. That trial is
 18 currently scheduled to run for four weeks with court in session on Monday through
 19 Thursday, from 7 a.m. to 3 p.m. Pacific time during that four-week period.

20 Respectfully submitted,

21 Dated December 21, 2012

December 21, 2012

22 Cravath, Swaine & Moore, LLP

Jones Day

23 By: /s/ Gary Bornstein
 24 Gary Bornstein

By: /s/ Katherine S. Ritchey
 Katherine S. Ritchey

25 Counsel for Defendant
 26 INTERMUNE, INC.

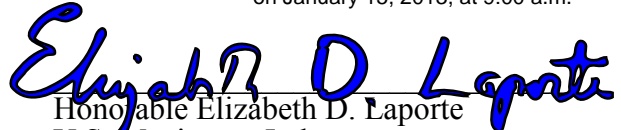
Counsel for Plaintiff
 SHIONOGI & CO., LTD.

~~PROPOSED~~ ORDER AS MODIFIED

PURSUANT TO STIPULATION, IT IS SO ORDERED.

A telephonic hearing on the motion to compel, and
if applicable, cross motion to compel, will be held
on January 15, 2013, at 9:00 a.m.

Date: December 26, 2012


Honorable Elizabeth D. Laporte
U.S. Magistrate Judge

Civil L.R. 5(i)(3) Attestation of Concurrence of Signatures

I, Katherine S. Ritchey, am the ECF user whose identification and password are being
used to file this Stipulation and Proposed Order. Pursuant to Civil L.R. 5(i)(3), I hereby attest
that Gary Bornstein, counsel for Defendant, has concurred in the filing of this document.

Dated: December 21, 2012

Jones Day

By: /s/ Katherine S. Ritchey
Katherine S. Ritchey

Counsel for Plaintiff
SHIONOGI & CO., LTD.